

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) CASE NO.04-11202-wb
)
)
)
Thomas Armstrong Evans)
)

Debtors)

TO: ALL CREDITORS AND PARTIES IN INTEREST

NOTICE OF SALE OF PROPERTY FREE AND CLEAR OF LIENS

YOU ARE HEREBY NOTIFIED that **the debtor(s)**, propose to sell the property herein described free and clear of all liens and encumbrances according to the terms of and conditions stated below.

TYPE OF SALE: Private.

PROPERTY TO BE SOLD: House and lot located at 1425 Thayer Place TMS No. 598-03-00-018.

PRICE: \$259,900.00.

APPRAISAL VALUE: \$259,000.00.

BUYER: Dean Mathews and Kimberly Mathews no relation to the debtors.

PLACE AND TIME OF SALE: At the office of an attorney of the buyer choice within a reasonable time following the entry of an order approving this motion.

SALES AGENT/AUCTIONEER/BROKER: Sandy Perry for Keller Williams Reality and Joyce L. Hassell for Prudential Carolina Reality.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: 6% of sales divided among each realtor.

ESTIMATED TRUSTEE'S COMMISSION ON SALE: To Be Determined.

LIENS/MORTGAGES/SECURITY INTEREST ENCUMBERING PROPERTY: Principal Residential Mortgage in the approximate amount of \$211,426.00, Countrywide Home Loans in the approximate amount of \$22,500.00, Park West Master Asso. in the approximate amount of \$1,200.00, and Churchhill Park Homeowners Asso. in the approximate amount of \$600.00.

DEBTOR'S EXEMPTION: \$5,000.00.

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: To be determined

Any party objecting to the **debtor(s)** sale must do so in writing and in accordance with SC LBR 9014-1. All objections should be filed with the Clerk of Court at 1100 Laurel Street, Post Office Box 1448, Columbia, SC 29202, with a copy served on the Debtor(s)' attorney, at the address shown below, and on the Chapter 13 Trustee at PO Box 997, Mt. Pleasant, SC 29465. A copy of the objection should also be served on the United States Trustee at 1835 Assembly St. Suite 953, Columbia, SC 29201. All objections must be filed within Twenty (20) days from the date of this notice shown below. If no objection is filed and served, the sale will proceed in accordance with the terms recited herein.

TAKE FURTHER NOTICE that no hearing will be held on this motion or application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on October 13, 2004, at 1:30 pm., at 145 King St., Room 225, Charleston, SC 29401. No further notice of this hearing will be given.

The Court may consider additional offers at any hearing held on an objection to the sale. The Court may order at the hearing that the property be sold to another party on equivalent or more favorable terms.

The Trustee or debtor in possession, as applicable, may seek sanctions or other similar relief against any party filing a spurious objection to this notice.

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

District Court ID No. 438

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) CASE NO.04-11202-wb
)
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Thomas Armstrong Evans)
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Debtors)

MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS AND MEMORANDUM

The undersigned, as attorneys for the debtor moves to sell property free and clear of liens. The debtor move to sell house and lot located at 1425 Thayer Place TMS No. 598-03-00-018. pursuant to 11 U.S.C. § 363 and Bankruptcy Rule 6004. The debtor believes that the buyer is a good faith purchaser and also moves to waive Fed. Bankr. P. 6004(g) to allow the debtor to immediately enforce and implement the order originating from this motion. This sale will drastically reduce the amount of liability for the estate and is believed to be is in the best interest of the estate. The debtor further moves to convey a refrigerator as a fixture of the house per the terms of the sales contract.

Wherefore, debtor prays that the Court will grant this motion and allow the debtor to sell free and clear of liens.

RESPECTFULLY SUBMITTED,

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis

D. Nathan Davis

Attorney for Debtor

1124 Sam Rittenberg Blvd. Suite 8

Charleston SC 29407

(843) 571-4042

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE:) CASE NO.04-11202-wb
)
) CERTIFICATE OF SERVICE
Thomas Armstrong Evans) BY MAIL
)
)

Debtors)

I hereby certify that a copy of the within motion to sell property free and clear of liens, notice of sale property free and clear of liens, proposed order and certificate of service, was duly served upon the parties below named, by depositing said papers in the United States Mail at Charleston, South Carolina, on this date, with first class postage duly affixed and a return address clearly indicated on said envelope to the address below indicated.

See Attached List

IRS
MDP 39 1835 Assembly St. Rm. 653
Columbia, SC 29201

US Department of Justice
PO Box 141989
Washington, DC 20044

US Attorney for SC for the IRS
1441 Main St. Suite 500
Columbia, SC 29201

US Trustee
1835 Assembly St. Suite 953
Columbia, SC 29201

James M. Wyman
PO Box 997
Mt. Pleasant, SC 29465

Charleston, SC

September 22, 2004

/s/ D. Nathan Davis

D. Nathan Davis
Attorney for Debtor
1124 Sam Rittenberg Blvd. Suite 8
Charleston SC 29407
(843) 571-4042
District Court ID No. 438

American Financial of Charleston
1669E Savannah Highway
Charleston, SC 29407

Federal Express Corporation
PO Box 1140
Memphis TN 38101-1140

SC Dept of Revenue
PO Box 125
Columbia, SC 29202

Bank of America
PO Box 30084
Tampa Fl 33630-3084

First American Cash Advance
5710 Rivers Ave
N. Charleston, SC 29406

Smith's Heating and Air
4759 Franchise St.
Charleston, SC 29418

BB&T
PO BOX 580362
CHARLOTTE NC 28258

Gamble Givens & Moody
200 Meeting Street, # 401
Charleston, SC 29401

Smoaks Heating and Air
1781 Harmony Street
Charleston, SC 29407

CAB Post and Courier
PO Box 789
Charleston, SC 29402

Jim Armstrong Buick, Inc
Highway 64, 70 Southwest
Hickory, NC 28602

Steve Heyward
PO Box 882
Mt. Pleasant, SC 29465

Check Loans
8440 Dorchester Rd.
Charleston, SC 29420

Lowcountry Heating and Air
PO Box 52137
Summerville, SC 29485
Att Officer General/Managing Agent

Suncom
c/o Univeral Fidelity Corp
PO Box 941911
Houston TX 77094

Churchhill Park Homeowners
Association
1100 Park West Blvd
Mt. Pleasant, SC 29466

Mercedes Benz Credit
2050 Roanoke Road
Westlake TX 76262

The Princeton Review
252 Nassau Street
Pinceton, NJ 08542

Coastal Pathology
PO Box 30309
Charleston, SC 29417

Merrit at James Island
480 Martello Drive
Charleston, SC 29412

Unbanc
7550-K Dorchester Road
N Charleston, SC 29418

Coastal Therapeutics, PA
570 Long Point Road, #270
Mt. Pleasant, SC 29464

Park West Master Association
1100 Park West Blvd
Mt. Pleasant, SC 29466

Countrywide Home Loans Inc.
attn Marsha Barsamian
450 American St.
Simi Valley, CA 29466

Principal Residential Mortgage
C/O Korn Law Firm
PO Box 11264
Columbia, SC 29211

Domino's Pizza
320 E. Bay St.
Charleston SC 29401

Rapid Repairs
10 Riverdale Drive
Charleston, SC 29407

Dr. William Grossman
Charleston Cardiology
191 Rutledge Ave.
Charleston, SC 29403

Ron's Plumbing
114 Ocean View Road
Charleston, SC 29412